



February 20, 2009

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## SENATE BILL No. 238

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DIGEST OF SB 238 (Updated February 17, 2009 4:48 pm - DI 106)

**Citations Affected:** IC 35-46; noncode.

**Synopsis:** Crimes against animals. Provides that a person neglects an animal for purposes of the animal cruelty statute if the person restrains the animal in a manner that causes the animal to suffer: (1) serious permanent disfigurement; (2) serious temporary disfigurement; (3) permanent or protracted loss or impairment of the function of a bodily part or organ; or (4) a fracture.

**Effective:** July 1, 2009.

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**Merritt**

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January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
February 19, 2009, amended, reported favorably — Do Pass.

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SB 238—LS 7374/DI 106+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-46-3-0.5, AS ADDED BY P.L.171-2007,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 0.5. The following definitions apply throughout  
4 this chapter:

5 (1) "Abandon" means to desert an animal or to leave the animal  
6 permanently in a place without making provision for adequate  
7 long term care of the animal. The term does not include leaving  
8 an animal in a place that is temporarily vacated for the protection  
9 of human life during a disaster.

10 (2) "Beat" means to unnecessarily or cruelly strike an animal, or  
11 to throw the animal against an object causing the animal to suffer  
12 severe pain or injury. The term does not include reasonable  
13 training or disciplinary techniques.

14 (3) "Mutilate" means to wound, injure, maim, or disfigure an  
15 animal by irreparably damaging the animal's body parts or to  
16 render any part of the animal's body useless. The term includes  
17 bodily injury involving:

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- 1 (A) serious permanent disfigurement;  
 2 (B) serious temporary disfigurement;  
 3 (C) permanent or protracted loss or impairment of the function  
 4 of a bodily part or organ; or  
 5 (D) a fracture.  
 6 (4) "Neglect" means to:  
 7 (A) endanger an animal's health by failing to provide the  
 8 animal with food or drink, if the animal is dependent upon the  
 9 person for the provision of food or drink; ~~or~~  
 10 (B) restrain an animal for more than a brief period by the use  
 11 of a rope, chain, or tether that:  
 12 (i) is less than three (3) times the length of the animal;  
 13 (ii) is too heavy to permit the animal to move freely; ~~or~~  
 14 (iii) causes the animal to choke; **or**  
 15 **(iv) restrains the animal in a manner that causes the**  
 16 **animal to suffer serious permanent disfigurement,**  
 17 **serious temporary disfigurement, permanent or**  
 18 **protracted loss or impairment of the function of a bodily**  
 19 **part or organ, or a fracture.**  
 20 (5) "Torture" means:  
 21 (A) to inflict extreme physical pain or injury on an animal with  
 22 the sole intent of increasing or prolonging the animal's pain; or  
 23 (B) to administer poison to a cat or dog, or expose a cat or dog  
 24 to a poisonous substance with the intent that the cat or dog  
 25 ingest the substance and suffer harm, pain, or physical injury.  
 26 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-46-3-0.5, as**  
 27 **amended by this act, applies only to crimes committed after June**  
 28 **30, 2009.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 15, delete "physically" and insert "**causes**".

Page 2, line 16, delete "harms".

Page 2, line 16, after "animal" insert "**to suffer serious permanent disfigurement, serious temporary disfigurement, permanent or protracted loss or impairment of the function of a bodily part or organ, or a fracture**".

and when so amended that said bill do pass.

(Reference is to SB 238 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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